

In re Application of Ross et al.
Application No. 09/901,512

REMARKS

The Office Action dated March 5, 2004, and the references cited therein have been carefully considered. Previously pending claims 7-14 and newly added claims 37-46 are presently pending. No claims currently stand allowed. Applicants have amended independent claim 7 and dependent claims 8-14 to make clear the multi-view/format grease board aspect of the present invention that displays patient information in any one of a set of grease board views supported by the patient information retrieval and display system. In view of the amendments and remarks set forth herein below, the pending claims are patentable over the prior art presently known to Applicants. Accordingly, Applicants request favorable reconsideration of the previous rejection of the now pending claims. Please charge any fees to Deposit Account No. 12-1216.

Summary of the Claim Rejections

The following identifies the authority and prior art applied to the identified claims for each rejection of the claims set forth in the Office Action dated June 20, 2003.

1. Sections 1-2: Claim 7 is rejected under Section 102(b) as being anticipated by Collen, *Hospital Computer Systems*, 1974 (hereinafter the Collen reference).
2. Sections 3-4: Claims 8-12 are rejected under Section 103 (a) as being unpatentable over Collen in view of "Official Notice."
3. Section 5: Claim 13 is rejected under Section 103(a) as being unpatentable over Collen in view of Tanaka U.S. Patent No. 5,635,703 (hereinafter the Tanaka '703 patent).
4. Section 6: Claim 14 is rejected under 103(a) as being unpatentable over Collen in view of the Tanaka '703 patent and Deo et al. U.S. Patent No. 5,721,781 (hereinafter the Deo '781 patent).

Applicants have carefully considered the Office Action dated March 5, 2004, rejecting all of the currently pending claims. For the reasons set forth below, Applicants traverse each ground for the rejection of the pending claims.

With regard to the anticipation rejection of claim 7 in sections 2 and 3 of the Office Action, Applicants respectfully submit that the Office Action's recitation of isolated, unconnected, teachings from unrelated systems described in the Collen reference does not constitute a proper *anticipation* rejection. The Collen reference comprises a summary/survey of

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a large number of unrelated hospital computer systems that existed in the early 1970's. Rather than identify elements taught in a *single* hospital computer system in support of the anticipation rejection of claim 7, the Office Action patches together elements from a large number of unrelated and distinct systems. At the very least, such rejection should be based upon obviousness under 35 U.S.C. Section 103(a). However, the Office Action does not identify any *suggestion to combine the elements* from the set of distinct hospital computer systems described in Collen that existed in the early 1970s. The Office Action's unprecedented approach to building an anticipation rejection of a claim, comprising extracting isolated teachings from unrelated portions of a reference (Collen), is akin to building a claim rejection for a new computer system from the isolated teachings of the building blocks of a computer engineering text. If such rejections were proper, then virtually every invention could be rendered unpatentable based upon various instructional texts and surveys of various systems (such as the Collen reference).

Claim 7 presently recites a combination of elements for providing/rendering a grease board at a terminal that supports presenting patient information in a variety of purpose-driven views/formats. The claimed "multi-view grease board" is neither disclosed nor suggested by the various systems summarized in the Collen reference. Applicants, having reviewed the cited reference, can find no teachings/suggestion to provide a multi-look grease board that facilitates task-driven arrangement and display of information associated with active patient records. In fact, Applicants could not even determine where pages 586-590 disclose the "active patient list grease board" recited in claim 7. Applicants submit that the Collen reference does not disclose or even remotely suggest combining the isolated teachings of the summarized systems to render the claimed multi-look grease board.

Without some identifiable suggestion to combine the various isolated passages/teachings within Collen, cited in the Office Action, summarizing multiple, unrelated systems, the rejection of claim 7 over Collen is improper. Furthermore, the present office action includes many page references that appear to have no relation to a corresponding claim element identified in the office action (e.g., grease board does not appear any where in pages 586-90). In other cases no citations to Collen are provided for an element (e.g., patient priority and elapsed time of stay). Applicants therefore respectfully request that in the event that the rejection of claim 7 is not withdrawn, any subsequent office action clearly identify each of the presently recited elements in the Collen reference as well as the basis/suggestion for combining the elements (in the event that they are not found within a single system described/summarized in the Collen reference).

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Turning to the obviousness rejections of claims 8-14 in Sections 3-6 of the Office Action, Applicants traverse the rejection of each of these claims for at least the reasons set forth above since each and every one of these claims depends from, and thus incorporates each and every element of, claim 7. Applicants reserve the right to traverse any subsequent rejection of these claims in the event that additional prior art teachings are identified in support of such subsequent rejection. By way of example, and not limitation, Applicants reserve the right to challenge any assertion that a particular combination of elements is suggested by any subsequently cited prior art.

Applicants furthermore traverse the rejection of claim 8 as obvious over Collen in view of Official Notice. The Office Action appears to misunderstand the additional elements recited in claim 8. Applicants have amended claim 8 to more clearly recite that the additional elements recited in claim 8 are directed to providing readily discernable statuses of tasks by representing an "ordered" status in small letters and a "completed" status with large letters. The Office Action does not identify any teaching in the prior art that would suggest visually keying the status (ordered/completed) of tasks in this way.

Applicants traverse the rejection of claims 9-12 as obvious over Collen in view of Official Notice. The pending claims 9-12 specify different types of information displayed on a multi-view grease board driven by a set of active patient records and a designated view. The Office Action concedes that Collen does not disclose any of the recited alternative grease board views specifically recited in claims 9-12. Applicants submit that Collen does not even disclose displaying active patient lists according to a designated one of a set of supported grease board views as recited more generally in claim 7. For at least this reason Applicants generally traverse the implicit assertion that it is well known to provide a multi-view grease board and specifically traverse Official Notice taken that each of the specifically identified grease board views recited in claims 9-12 were well known in the data processing art.

Applicants further traverse the rejection of claims 9-12 since there is no basis cited for the Office Action's assertion that those skilled in the art at the time of the invention would have been motivated to modify any system described in Collen to provide each of the specifically recited task-specific views "in order to facilitate the management of the hospital services and to optimize the available medical resources." Applicants respectfully request that this rejection be withdrawn in the event that a reference is not provided in support of the Office Action's assertion that it was known in the art at the time of the invention that the recited combinations would

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indeed "facilitate management of the hospital services and optimize the available medical resources."


Applicants have submitted herewith a set of additional claims 37-46 defining a system that provides a multi-view grease board user interface wherein patient record information is presented in a designated one of a set of supported grease board views.

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CONCLUSION

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



Mark Joy, Reg. No. 35,562
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

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